

AMENDED IN SENATE JULY 1, 2011
AMENDED IN ASSEMBLY APRIL 25, 2011
AMENDED IN ASSEMBLY MARCH 15, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 135

Introduced by Assembly Members Hagman and Valadao
(Principal coauthor: Assembly Member Grove)
(Coauthors: Assembly Members Achadjian, Conway, Garrick,
Gorell, Halderman, Harkey, Jeffries, Logue, Mansoor, Miller,
Nestande, Nielsen, Olsen, Silva, Smyth, and Wagner)
(Coauthors: Senators Cannella, Dutton, Fuller, Harman, and Runner)

January 12, 2011

An act to amend, repeal, and add Section 39510 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Hagman. State Air Resources Board: membership: small business owner.

Existing law establishes in the California Environmental Protection Agency the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to consist of 11 members appointed based on certain qualifications.

This bill, until January 1, 2017, would require one appointed member of the state board to be ~~a current~~ *an owner within the past 5 years* of a small business, as defined. The bill would also make various technical, nonsubstantive changes.

This bill would incorporate additional changes in Section 39510 of the Health and Safety Code, proposed by AB 146, to be operative only if AB 146 and this bill are both chaptered and become effective January 1, 2012, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 39510 of the Health and Safety Code is
2 amended to read:
3 39510. (a) The State Air Resources Board is continued in
4 existence in the California Environmental Protection Agency. The
5 state board shall consist of 11 members.
6 (b) The members shall be appointed by the Governor, with the
7 consent of the Senate, on the basis of their demonstrated interest
8 and proven ability in the field of air pollution control and their
9 understanding of the needs of the general public in connection
10 with air pollution problems. ~~Six~~
11 (c) Six members shall have the following qualifications:
12 (1) One member shall have training and experience in
13 automotive engineering or closely related fields.
14 (2) One member shall have training and experience in chemistry,
15 meteorology, or related scientific fields, including agriculture or
16 law.
17 (3) One member shall be a physician and surgeon or an authority
18 on health effects of air pollution.
19 (4) Two members shall be public members.
20 (5) One member shall have the qualifications specified in
21 paragraph (1), (2), or (3) or shall have experience in the field of
22 air pollution control.
23 (e)
24 (d) Five members shall be board members from districts who
25 shall reflect the qualitative requirements of subdivision ~~(b)~~ (c) to
26 the extent practicable. Of these five members, ~~one shall be a board~~
27 ~~member from the south coast district, one shall be a board member~~
28 ~~from the bay district, one shall be a board member from the San~~
29 ~~Joaquin Valley Unified Air Pollution Control District, one shall~~
30 ~~be a board member from the San Diego County Air Pollution~~

Control District, and one shall be a board member of any other district. *members:*

(1) *One shall be a board member from the south coast district.*

(2) *One shall be a board member from the bay district.*

(3) *One shall be a board member from the San Joaquin Valley Unified Air Pollution Control District.*

(4) *One shall be a board member from the San Diego County Air Pollution Control District.*

(5) *One shall be a board member from any other district.*

~~(d)~~

(e) Commencing on and after January 1, 2012, at least one of the 11 board members appointed pursuant to ~~subdivision (b) or (c)~~ this section shall be ~~a current owner~~ an owner within the past five years of a small business, as defined in Section 14837 of the Government Code.

~~(e)~~

(f) Any vacancy shall be filled by the Governor within 30 days of the date on which it occurs. If the Governor fails to make an appointment for any vacancy within the 30-day period, the Senate Committee on Rules may make the appointment to fill the vacancy in accordance with this section.

~~(f)~~

(g) While serving on the state board, all members shall exercise their independent judgment as officers of the state on behalf of the interests of the entire state in furthering the purposes of this division. A member of the state board shall not be precluded from voting or otherwise acting upon any matter solely because that member has voted or acted upon the matter in his or her capacity as a member of a district board, except that ~~no~~ a member of the state board who is also a member of a district board shall *not* participate in any action regarding his or her district taken by the state board pursuant to Sections 41503 to 41505, inclusive.

~~(g)~~

(h) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. Section 39510 is added to the Health and Safety Code, to read:

1 39510. (a) The State Air Resources Board is continued in
2 existence in the California Environmental Protection Agency. The
3 state board shall consist of 11 members.

4 (b) The members shall be appointed by the Governor, with the
5 consent of the Senate, on the basis of their demonstrated interest
6 and proven ability in the field of air pollution control and their
7 understanding of the needs of the general public in connection
8 with air pollution problems. ~~Six~~

9 (c) *Six* members shall have the following qualifications:

10 (1) One member shall have training and experience in
11 automotive engineering or closely related fields.

12 (2) One member shall have training and experience in chemistry,
13 meteorology, or related scientific fields, including agriculture or
14 law.

15 (3) One member shall be a physician and surgeon or an authority
16 on health effects of air pollution.

17 (4) Two members shall be public members.

18 (5) One member shall have the qualifications specified in
19 paragraph (1), (2), or (3) or shall have experience in the field of
20 air pollution control.

21 ~~(e)~~

22 (d) Five members shall be board members from districts who
23 shall reflect the qualitative requirements of subdivision ~~(b)~~ (c) to
24 the extent practicable. ~~Of these five members, one shall be a board~~
25 ~~member from the south coast district, one shall be a board member~~
26 ~~from the bay district, one shall be a board member from the San~~
27 ~~Joaquin Valley Unified Air Pollution Control District, one shall~~
28 ~~be a board member from the San Diego County Air Pollution~~
29 ~~Control District, and one shall be a board member of any other~~
30 ~~district. members:~~

31 *(1) One shall be a board member from the south coast district.*

32 *(2) One shall be a board member from the bay district.*

33 *(3) One shall be a board member from the San Joaquin Valley*
34 *Unified Air Pollution Control District.*

35 *(4) One shall be a board member from the San Diego County*
36 *Air Pollution Control District.*

37 *(5) One shall be a board member from any other district.*

38 ~~(d)~~

39 (e) Any vacancy shall be filled by the Governor within 30 days
40 of the date on which it occurs. If the Governor fails to make an

1 appointment for any vacancy within the 30-day period, the Senate
2 Committee on Rules may make the appointment to fill the vacancy
3 in accordance with this section.

4 ~~(e)~~

5 (f) While serving on the state board, all members shall exercise
6 their independent judgment as officers of the state on behalf of the
7 interests of the entire state in furthering the purposes of this
8 division. A member of the state board shall not be precluded from
9 voting or otherwise acting upon any matter solely because that
10 member has voted or acted upon the matter in his or her capacity
11 as a member of a district board, except that ~~no~~ a member of the
12 state board who is also a member of a district board shall *not*
13 participate in any action regarding his or her district taken by the
14 state board pursuant to Sections 41503 to 41505, inclusive.

15 ~~(f)~~

16 (g) This section shall become operative on January 1, 2017.

17 *SEC. 2.5. Section 39510 of the Health and Safety Code is*
18 *amended to read:*

19 39510. (a) The State Air Resources Board is continued in
20 existence in the California Environmental Protection Agency. The
21 state board shall consist of ~~11~~ 13 members.

22 (b) The members shall be appointed by the Governor, with the
23 consent of the Senate, on the basis of their demonstrated interest
24 and proven ability in the field of air pollution control and their
25 understanding of the needs of the general public in connection
26 with air pollution problems. ~~Six~~

27 (c) *Seven* members shall have the following qualifications:

28 (1) One member shall have training and experience in
29 automotive engineering or closely related fields.

30 (2) One member shall have training and experience in
31 chemistry, meteorology, or related scientific fields, including
32 agriculture or law.

33 (3) One member shall be a physician and surgeon or an
34 authority on health effects of air pollution.

35 (4) *One member shall have training and experience in climate*
36 *change and the reduction of greenhouse gas emissions.*

37 ~~(4)~~

38 (5) Two members shall be public members.

39 ~~(5)~~

(6) One member shall have the qualifications specified in paragraph (1), (2), ~~or (3), or (4)~~ or shall have experience in the field of air pollution control.

~~(e) Five~~

(d) Six members shall be board members from districts who shall reflect the qualitative requirements of subdivision ~~(b)~~ (c) to the extent practicable. Of these ~~five members, one~~ six members:

(1) One shall be a board member from the south coast district; ~~one.~~

(2) One shall be a board member from the bay district, ~~one.~~

(3) One shall be a board member from the San Joaquin Valley Unified Air Pollution Control District ~~or, if the unified district is abolished, from the San Joaquin Valley Air Quality Management District if created pursuant to Section 5 of Chapter 915 of the Statutes of 1994, one.~~

(4) One shall be a board member from the San Diego County Air Pollution Control District, ~~and one.~~

(5) One shall be a board member from a district within the Sacramento federal nonattainment area for ozone in either the Sacramento district, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District.

(6) One shall be a board member of any other district.

(e) Commencing on and after January 1, 2012, at least one of the 11 board members appointed pursuant to this section shall be an owner within the past five years of a small business, as defined in Section 14837 of the Government Code.

~~(d)~~

(f) Any vacancy shall be filled by the Governor within 30 days of the date on which it occurs. If the Governor fails to make an appointment for any vacancy within the 30-day period, the Senate Committee on Rules may make the appointment to fill the vacancy in accordance with this section.

~~(e)~~

(g) While serving on the state board, all members shall exercise their independent judgment as officers of the state on behalf of the interests of the entire state in furthering the purposes of this division. ~~No~~ A member of the state board shall *not* be precluded from voting or otherwise acting upon any matter solely because

that member has voted or acted upon the matter in his or her capacity as a member of a district board, except that ~~no~~ a member of the state board who is also a member of a district board shall not participate in any action regarding his or her district taken by the state board pursuant to Sections 41503 to 41505, inclusive.

~~(f) Notwithstanding subdivision (e) of Section 1 of Chapter 1201 of the Statutes of 1991, this section shall become operative on January 1, 1994.~~

(h) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2.7. Section 39510 is added to the Health and Safety Code, to read:

39510. (a) The State Air Resources Board is continued in existence in the California Environmental Protection Agency. The state board shall consist of 13 members.

(b) The members shall be appointed by the Governor, with the consent of the Senate, on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with air pollution problems.

(c) Seven members shall have the following qualifications:

(1) One member shall have training and experience in automotive engineering or closely related fields.

(2) One member shall have training and experience in chemistry, meteorology, or related scientific fields, including agriculture or law.

(3) One member shall be a physician and surgeon or an authority on health effects of air pollution.

(4) One member shall have training and experience in climate change and the reduction of greenhouse gas emissions.

(5) Two members shall be public members.

(6) One member shall have the qualifications specified in paragraph (1), (2), (3), or (4) or shall have experience in the field of air pollution control.

(d) Six members shall be board members from districts who shall reflect the qualitative requirements of subdivision (c) to the extent practicable. Of these six members:

(1) One shall be a board member from the south coast district.

(2) One shall be a board member from the bay district.

1 (3) *One shall be a board member from the San Joaquin Valley*
2 *Unified Air Pollution Control District.*

3 (4) *One shall be a board member from the San Diego County*
4 *Air Pollution Control District.*

5 (5) *One shall be a board member from a district within the*
6 *Sacramento federal nonattainment area for ozone in either the*
7 *Sacramento district, the Placer County Air Pollution Control*
8 *District, the Yolo-Solano Air Quality Management District, the*
9 *Feather River Air Quality Management District, or the El Dorado*
10 *County Air Pollution Control District.*

11 (6) *One shall be a board member of any other district.*

12 (e) *Any vacancy shall be filled by the Governor within 30 days*
13 *of the date on which it occurs. If the Governor fails to make an*
14 *appointment for any vacancy within the 30-day period, the Senate*
15 *Committee on Rules may make the appointment to fill the vacancy*
16 *in accordance with this section.*

17 (f) *While serving on the state board, all members shall exercise*
18 *their independent judgment as officers of the state on behalf of the*
19 *interests of the entire state in furthering the purposes of this*
20 *division. A member of the state board shall not be precluded from*
21 *voting or otherwise acting upon any matter solely because that*
22 *member has voted or acted upon the matter in his or her capacity*
23 *as a member of a district board, except that a member of the state*
24 *board who is also a member of a district board shall not participate*
25 *in any action regarding his or her district taken by the state board*
26 *pursuant to Sections 41503 to 41505, inclusive.*

27 (g) *This section shall become operative on January 1, 2017.*

28 SEC. 2. *Sections 2.5 and 2.7 of this bill incorporate*
29 *amendments to Section 39510 of the Health and Safety Code*
30 *proposed by both this bill and AB 146. Those sections shall only*
31 *become operative if (1) both bills are enacted and become effective*
32 *on or before January 1, 2012, (2) each bill amends Section 39510*
33 *of the Health and Safety Code, and (3) this bill is enacted after AB*
34 *146, in which case Sections 1 and 2 of this bill shall not become*
35 *operative.*